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6 IN THE MATTER OF: :
7 Chaplin Restaurant DC, LLC:Case #16-PRO-00021
8 t/a Chaplin :
9 1501 9th Street NW :
10 License #95700 :
11 Retailer CR :
12 Application to Renew License :
13 - - - - -X

14 Wednesday, August 10, 2016

16 Whereupon, the above-referenced matter
17 came on for hearing at the Alcoholic Beverage
18 Control Board, Reeves Center, 2000 14th Street,
19 N.W., Suite 400S, Washington, D.C. 20009.

1 BOARD MEMBERS PRESENT

2 NICK ALBERTI, BOARD MEMBER

3 JAMES SHORT, BOARD MEMBER

4 MIKE SILVERSTEIN, BOARD MEMBER

5 RUTHANNE MILLER, BOARD MEMBER

6

7 ALSO PRESENT:

8 ALEXANDER PADRO

9 BRIAN PETERS

10 JOYCE NJOROGÉ

11

1 P R O C E E D I N G S

2 [9:40 A.M.] PROTEST HEARING (STATUS)

3 CHAIRPERSON ANDERSON: Good morning,
4 everyone. I would like to welcome you to the
5 regularly scheduled meeting of the District of
6 Columbia Alcoholic Beverage Control Board.
7 Please note that today's hearings will be
8 conducted in accordance with D.C. Official Code
9 section 2574 of the Open Meetings Act. Today is
10 August 10, 2016. I would first like to introduce
11 members of the board with us today. To my far
12 right is Ms. Ruthanne Miller, to my immediate
13 right is Mr. Nick Alberti, to my immediate left
14 is Mr. James Short.

15 My name is Donovan Anderson and I am the
16 Chairman of the Board. The Board has four
17 members in attendance for the conduct of business
18 today and that constitutes a quorum. I would
19 like to mention two things before we get started.
20 First of all, if you have any electronic devices,
21 pagers, cells phones or such, please make certain
22 that they are turned off to avoid any

1 interruption of the proceedings. Secondly, there
2 is a piece of paper on each table. When you come
3 forward as your case is called, please take a
4 seat at the table and please sign in. This is to
5 ensure the correct spelling of your name for the
6 record.

7 Additionally, when you introduce yourself for
8 the record, please spell your name aloud for the
9 court reporter. I would like to note that the
10 approximate time is 9:40. And, let me apologize.
11 When I looked at the monitor back there it didn't
12 look like there were this many people back here,
13 so I was actually waiting for the folks to show
14 up, so that's why I'm just taking the bench at
15 9:41 so I do apologize. It is important to me
16 that we start on time at 9:30, but I thought that
17 -- I was saying it didn't look like there was
18 this much people here.

19 Our first case protest hearing (status) is
20 Case #16-PRO-00021, the Chaplin, license #95700.
21 Will the parties please approach and identify
22 themselves for the record, please?

1 MR. PADRO: Alexander M. Padro, for ANC 6E.

2 MR. PETERS: Brian Peters for the Central
3 Shah Neighborhood Association.

4 MS. NJOROGE: Joyce Njoroge.

5 CHAIRPERSON ANDERSON: All right, good
6 morning Ms. Njoroge.

7 MR. SILVERSTEIN: Is the green light on?
8 Push the button at the bottom. There you go.

9 MS. NJOROGE: Joyce Njoroge.

10 CHAIRPERSON ANDERSON: Could you spell your
11 name for the record, please?

12 MS. NJOROGE: Name is Joyce, J-O-Y-C-E, last
13 name Njoroge, N-J-O-R-O-G-E.

14 CHAIRPERSON ANDERSON: All right, Ms.
15 Njoroge. Is the applicant here with you?

16 MS. NJOROGE: No.

17 CHAIRPERSON ANDERSON: Is there any reason
18 why this person is not here? I know you're a
19 representative of the person, but I'm just asking
20 you the reason why the applicant is not here
21 today.

22 MS. NJOROGE: He is not feeling well.

1 CHAIRPERSON ANDERSON: I'm sorry?

2 MS. NJOROGHE: He's not feeling well.

3 CHAIRPERSON ANDERSON: All right. Is -- Mr.
4 Silverstein has now joined us. It is my
5 understanding that the protestants were provided
6 -- granted standing during the roll call hearing?
7 Do you agree or disagree? Were they granted
8 standing at the protest hearing?

9 MS. NJOROGHE: Yes.

10 CHAIRPERSON ANDERSON: All right. This
11 matter is scheduled for a protest hearing on
12 October 5th at 4:30. Now that we have scheduled
13 this for a protest hearing, there are a few
14 things I would like to instruct the applicant and
15 the protestants about the protest hearing -- so
16 that the protest hearing is focused and addresses
17 only those issues that are being protested. The
18 board does not intend to hear testimony in
19 matters that are not relevant to this case. You
20 should have received by electronic or regular
21 mail, a letter explaining the protest process, a
22 copy of the protest information form, a copy of

1 an exhibit form. If you do not have these
2 documents, please contact our assistant general
3 counsel, Ms. April Randall, following the
4 hearing. It is imperative that you review the
5 rules closely and adhere to them before and
6 during the protest hearing. You are also
7 required to complete and submit the protest
8 information form, PIP and the exhibit form seven
9 days before the date of the hearing. These two
10 forms and accompanying documents need to be
11 submitted to ABRA's legal division and to all
12 opposing parties in this matter.

13 If we do not receive a copy of your PIP, your
14 application or your protest, whichever side
15 you're representing may be subject to dismissal.
16 Likewise, if we do not receive a copy of the
17 exhibit form and the exhibits themselves, your
18 exhibits may be excluded from the record upon a
19 finding that the opposing party has been
20 prejudiced or no good cause for failure to submit
21 has been shown.

22 Likewise, witnesses other than the parties

1 may also be subject to exclusion if not
2 identified in the PIP. Accordingly, these forms
3 are very important, they greatly assist the Board
4 in narrowing the protest issues, facilitating the
5 process and keeping the parties on point during
6 the hearing. They likewise provide notice to the
7 opposing parties enabling them to better prepare
8 for the hearing.

9 We thank you greatly for your cooperation.
10 If you have any questions today or at any time
11 leading up to the hearing, please do not hesitate
12 to contact Ms. Randall at 202-442-4353. Does
13 anyone have any questions for us?

14 MR. PADRO: No sir.

15 CHAIRPERSON ANDERSON: Well, good luck in
16 your negotiations if that's still going on; if
17 not, I will see you on October 5th at 4:30 p.m.
18 for the protest hearing. Now, remember Ms. --
19 your name again, please?

20 MS. NJOROGHE: Njoroge.

21 CHAIRPERSON ANDERSON: Njoroge -- that the
22 licensee must be here if we're having a hearing.

1 MS. NJOROGÉ: Yes.

2 CHAIRPERSON ANDERSON: Okay, all right, thank
3 you.

4 (Whereupon, the above-entitled matter was
5 concluded.)

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